



## Criminal Jury Instructions

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### 6.1-13 Assault in the Third Degree (Physical Injury) -- § 53a-61 (a) (1)

Revised to December 1, 2007

The defendant is charged [in count \_\_\_\_] with assault in the third degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of assault in the third degree when with intent to cause physical injury to another person, (he/she) causes such injury to such person or to a third person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

#### **Element 1 - Intent to cause physical injury**

The first element is that the defendant specifically intended to cause physical injury to another person. A person acts "[intentionally](#)" with respect to a result when (his/her) conscious objective is to cause such result. <See [Intent: Specific](#), Instruction 2.3-1.>

"[Physical injury](#)" is defined as impairment of physical condition or pain. It is a reduced ability to act as one would otherwise have acted. The law does not require that the injury be serious. It may be minor.

#### **Element 2 - Caused physical injury**

The second element is that the defendant caused physical injury to another person. This means that the defendant's conduct was the proximate cause of the person's injuries. You must find it proved beyond a reasonable doubt that <insert name of person injured> was injured as a result of the actions of the defendant. <See [Proximate Cause](#), Instruction 2.6-1.>

[<If person injured was not the person intended.> It does not matter whether <insert name of person injured> was the person upon whom the defendant intended to inflict physical injury. It is sufficient if you find that the defendant intended to cause physical injury to another person and that (he/she) in fact caused physical injury to that person or to some other person.]

#### **Conclusion**

In summary, the state must prove beyond a reasonable doubt that 1) the defendant had the specific intent to cause physical injury to another person <insert name of person if applicable>, and 2) the defendant caused physical injury to <insert name of person injured>.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of assault in the third degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

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